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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000958

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DEPARTMENT FOR EUR/SE

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SUBJECT: ALTINBAS TORTURE CASE PLAGUED BY DELAYS

Classified by Polcouns John Kunstadter; reasons 1.5 b and d.

11. (C) Summary: The 13-year-old trial of 10 police officers charged with torturing and killing university student Birtan Altinbas continues to be plagued by delays, as the defense tries to postpone a verdict until the statute of limitations expires. The defendants have consistently failed to appear for trial, but the court has not ordered their arrest. At the latest hearing, the court granted the one defendant who attended time to find an attorney to replace one who resigned. After the head of Amnesty International raised the issue with PM Erdogan, the Interior Ministry issued a circular ordering all courts to ensure that police charged with torture appear for trial. End Summary.

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Case Plagued by Delays  
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12. (U) An Ankara felony court continues to face delays in the death-in-detention case of Birtan Altinbas. Jandarma arrested Altinbas and three other Hacettepe University students on January 15, 1991 and interrogated them. Altinbas died six days later. Prosecutors opened a case against 10 police after a number of detainees claimed they saw the officers torturing Altinbas. The case has been plagued by repeated procedural delays, often involving the failure of the police defendants to appear in court. Court officials claim they have often been unable to locate the defendants, but prosecuting attorneys argue that the defendants' addresses are well known, and that they regularly receive salary and pension checks from the Government. They also claim to have contacted several of the defendants by telephone.

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Statute of Limitations Looms  
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13. (U) Once a verdict is reached in the case, the losing side is sure to appeal. The 15-year statute of limitations on the charges will expire January 2006, and lead prosecuting attorney Oya Aydin has predicted to us that a final verdict will not be reached in time unless outside pressure forces judicial authorities to expedite the process. If no verdict is reached before the deadline, the case will be closed. Amnesty International Secretary General Irene Khan raised the issue with PM Erdogan during her February 11-12 visit to Turkey. In an apparent response, Interior Minister Aksu released a circular February 16 ordering court officials to ensure that police charged with torture appear in court.

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One Defendant Appears, Shoves Photographer  
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14. (C) At the last session of the Altinbas case, on February 12, one of the 10 police defendants, Hasan Cavit Orhan, appeared in court (none appeared at the previous session). Before entering the courtroom, Orhan angrily grabbed and shoved a photographer who took his picture. During the 10-minute session, Orhan noted that his attorney had resigned from the case (note: this is a common delaying tactic. end note) and asked for time to find a new attorney. The court agreed. Defense attorney Aydin held up a copy of a newspaper article in which another of the defendants, Ibrahim Dedeolgu, told reporters he did not receive a notice from the court and would therefore not attend the hearing. The court refused Aydin's request for arrest warrants for the delinquent defendants, instead ordering that new notices be sent for the next hearing, on March 5. An attorney representing Dedeoglu said he would "try" to have his client attend the next

session.

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Comment  
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15. (C) This trial has become the latest test case for the Turkish judicial system. As in the high-profile Manisa case -- which resulted in convictions, probably in part due to international pressure -- this trial pits the prosecution against elements of the State determined to use every available tactic to run out the clock and avoid a verdict. Underscoring the difficulty the AK government has in trying to bring reform to the court system, which remains a bastion of the Kemalist system, the court's chronic failure either to bring the defendants to court or order their arrest has no legitimate explanation.

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